

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA
Western Division

U.S.A. vs. Felix Fogg Jr.

Docket No. 4:10-CR-84-FL-1

Petition for Action on Term of Supervised Release

COMES NOW Maurice J. Foy, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Felix Fogg Jr., who, upon an earlier plea of guilty to Distribution of a Quantity of Cocaine, 21 U.S.C. § 841(a)(1), was sentenced by the Honorable W. Earl Britt, Senior U.S. District Judge on May 31, 2011, to the custody of the Bureau of Prisons for a term of 51 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States probation officer or, at the request of the probation officer, any other law enforcement officer, of his/her, person and premises, including any vehicle, to determine compliance with the conditions, of this judgment.
3. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Felix Fogg Jr. was released from custody on 10/1/2013, at which time the term of supervised release commenced.

On June 4, 2014, and August 4, 2014, the defendant appeared for office visits under the influence of alcohol. He also failed to participate in the Surprise Urinalysis Program from June to July 2014. As a result, on August 11, 2014, the court ordered the defendant to abstain from the consumption of alcohol and abide by the terms and conditions of the Remote Alcohol Monitoring Program for a period not to exceed 90 days.

On October 30, 2014, this case was reassigned to the Honorable Louise W. Flanagan.

On December 11, 2014, the defendant missed his HOPE Court (Drug/Reentry Court Program) session and then missed his substance abuse class on December 13, 2014. The defendant disclosed that he was dealing with a lot of family related stress. To address his missed court and treatment sessions, along with the concerns that Mr. Fogg may be drinking, the HOPE Team recommended that he again participate in the Alcohol Monitoring Program for a period up to 90 days. On December 23, 2014, following HOPE Court, a breathalyzer test was taken and the defendant's BAC was .103. On December 29, 2014, the court was notified and concurred with the recommendation. On December 30, 2014, the defendant was terminated from HOPE Court for missing another session. Due to concerns from the substance abuse provider regarding the defendant's continued struggles with substances, he was placed in an inpatient substance abuse facility from January 17, 2015 to January 31, 2015.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant is currently participating in substance abuse treatment and was recommended to participate in mental health treatment. The defendant agrees that it would be in his best interest to participate in mental health treatment and receive therapy to help him deal with his anxiety, depression, and sleep issues. As a result, the defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision. Additionally, on February 14, 2015, in Wake County, North Carolina, the defendant was charged with Driving While License Revoked. This charge remains pending and is scheduled for court on March 20, 2015. The defendant was verbally reprimanded and was instructed not to operate another motor vehicle until properly licensed. The probation office is recommending that no further action be taken at this time and this charge be allowed to resolve itself in state court.

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PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate in a program of mental health treatment, as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller
Jeffery L. Keller
Supervising U.S. Probation Officer

/s/Maurice J. Foy
Maurice J. Foy
Sr. U.S. Probation Officer
310 New Bern Ave.
Raleigh, NC 27601
Phone: 919-861-8678
Executed On: February 23, 2015

ORDER OF THE COURT

Considered and ordered this 27th day of February, 2015 and ordered filed and made a part of the records in the above case.

Louise W. Flanagan
Louise W. Flanagan
U.S. District Judge